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9
10 **BEFORE THE**
BOARD OF REGISTERED NURSING
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

13 **STEVEN LESLIE KING**
14 1728 West Sunnyside
Visalia, California 93277

15 Registered Nurse License No. 476167

16 Respondent.

Case No. 2007-202

DEFAULT DECISION
AND ORDER

[Gov. Code, §11520]

17
18 **FINDINGS OF FACT**

19 1. On or about January 30, 2007, Complainant Ruth Ann Terry, M.P.H, R.N,
20 (Complainant) in her official capacity as the Executive Officer of the Board of Registered
21 Nursing (Board), filed Accusation No. 2007-202 (Accusation) against Steven Leslie King
22 (Respondent) before the Board.

23 2. On or about March 31, 1992, the Board issued Registered Nurse License
24 No. 476167 (License) to Respondent. The License expired on October 31, 2005, and has not
25 been renewed.

26 3. On or about February 7, 2007, Kasey Perkins-Arismende, an employee of
27 the Department of Justice, served by Certified and First Class Mail a copy of the Accusation,
28 Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code

1 sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which
2 was and is: 1728 West Sunnyside, Visalia, California 93277. A copy of the Accusation, the
3 related documents, and Declaration of Service are attached as exhibit A, and are incorporated
4 herein by reference.

5 4. Service of the Accusation was effective as a matter of law under the
6 provisions of Government Code section 11505, subdivision (c).

7 5. On or about March 23, 2007, the aforementioned documents were returned
8 by the U.S. Postal Service marked "No Forwarding Address." A copy of the envelopes returned
9 by the post office are attached as exhibit B, and is incorporated herein by reference.

10 6. Government Code section 11506, subd. (c), states, in pertinent part:

11 The respondent shall be entitled to a hearing on the merits if the
12 respondent files a notice of defense, and the notice shall be deemed a specific denial of all
13 parts of the accusation not expressly admitted. Failure to file a notice of defense shall
14 constitute a waiver of respondent's right to a hearing, but the agency in its discretion may
15 nevertheless grant a hearing. . . .

16 7. Respondent failed to file a Notice of Defense within 15 days after service
17 upon him of the Accusation, and therefore waived his right to a hearing on the merits of the
18 Accusation.

19 8. Government Code section 11520, subd. (a), states, in pertinent part:

20 If the respondent either fails to file a notice of defense or to appear at the hearing,
21 the agency may take action based upon the respondent's express admissions or upon other
22 evidence and affidavits may be used as evidence without any notice to respondent

23 9. Pursuant to its authority under Government Code section 11520, the Board
24 finds Respondent is in default. The Board will take action without further hearing and, based on
25 Respondent's express admissions by way of default and the evidence before it, contained in
26 exhibits A, and B, finds that the allegations in the Accusation.

27 10. The total costs for investigation and enforcement are \$9,562.25 as of
28 August 1, 2007.

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DETERMINATION OF ISSUES

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2 1. Based on the foregoing findings of fact, Respondent has subjected his
3 Registered Nurse License No. 476167 to discipline.

4 2. A copy of the Accusation and the related documents and Declaration of
5 Service are attached.

6 3. The agency has jurisdiction to adjudicate this case by default.

7 4. The Board is authorized to revoke Respondent's License based upon the
8 following violations alleged in the Accusation:

9 a. Respondent violated Business and Professions Code (Code) section
10 2761, subdivision (a), on the grounds of unprofessional conduct, as defined in Code
11 section 2762, subdivision (a), in that on August 21, 2003, while employed and on duty as
12 a registered nurse at Hanford Community Medical Center in Hanford, California,
13 Respondent committed the following acts:

14 i. Respondent obtained unknown quantities of Meperidine
15 and Morphine Sulfate, both controlled substances, and Promethazine, a dangerous
16 drug, by fraud, deceit, misrepresentation, or subterfuge by obtaining the drugs
17 from hospital supplies, in violation of Health and Safety Code section 11173,
18 subdivision (a).

19 ii. Respondent possessed unknown quantities of Meperidine
20 and Morphine Sulfate, both controlled substances, without a valid prescription, a
21 violation of Code section 4060.

22 iii. Respondent self-administered unknown quantities of
23 Marijuana, Opiates, and Amphetamines, controlled substances.

24 b. Respondent violated Code section 2761, subdivision (a), on the
25 grounds of unprofessional conduct, as defined in Code section 2762, subdivision (b), in
26 that Respondent used controlled substances and/or a dangerous drug to an extent or in a
27 manner dangerous or injurious to himself, any other person, or to the public, or the extent
28 that such use impairs his ability to conduct with safety to the public the practice

1 authorized by his license, as set forth in paragraph a, subsection (iii), above.

2 c. Respondent violated Code section 2761, subdivision (a), on the
3 grounds of unprofessional conduct, as defined in Code section 2762, subdivision (e), in
4 that on August 21, 2003, while employed and on duty as a registered nurse at Hanford
5 Community Medical Center in Hanford, California, Respondent made grossly incorrect or
6 grossly inconsistent entries in hospital and/or patient records

7 ORDER

8 IT IS SO ORDERED that Registered Nurse License No. 476167, heretofore
9 issued to Respondent, is revoked.

10 Pursuant to Government Code section 11520, subdivision (c), Respondent may
11 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
12 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
13 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
14 statute.

15 This Decision shall become effective on December 19, 2007.

16 It is so ORDERED November 19, 2007

17 *LaTranene W Tate*

18 FOR THE BOARD OF REGISTERED NURSING

19
20
21 10362931.wpd

22 DOJ docket number: SA2006100802

23 Attachments:

24 Exhibit A: Accusation No.2007-202, Related Documents, and Declaration of Service
25 Exhibit B: Copy of Envelope Returned by Post Office
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27
28

Exhibit A

Accusation No. 2007-202,
Related Documents and Declaration of Service

ORIGINAL

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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2007-202

12 **STEVEN LESLIE KING**
1728 West Sunnyside
13 Visalia, California 93277

ACCUSATION

14 Registered Nurse License No. 476167

15 Respondent.

17 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

18 **PARTIES**

19 1. Complainant brings this Accusation solely in her official capacity as the
20 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
21 Affairs.

22 **License History**

23 2. On or about March 31, 1992, the Board issued Registered Nurse License
24 Number 476167 ("license") to STEVEN LESLIE KING ("Respondent"). The license expired on
25 October 31, 2005, and has not been renewed.

26 **STATUTORY PROVISIONS**

27 3. Section 2750 of the Business and Professions Code ("Code") provides, in
28 pertinent part, that the Board may discipline any licensee, including a licensee holding a

1 temporary or an inactive license, for any reason provided in Article 3 (commencing with Code
2 section 2750) of the Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a
4 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
5 against the licensee or to render a decision imposing discipline on the license. Under Code
6 section 2811, subdivision (b), the Board may renew an expired license at any time within eight
7 years after the expiration.

8 5. Code section 118, subdivision (b), provides that the suspension,
9 expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to
10 proceed with a disciplinary action during the period within which the license may be renewed,
11 restored, reissued or reinstated.

12 6. Code section 2761 states, in pertinent part:

13 The board may take disciplinary action against a certified or licensed nurse or
14 deny an application for a certificate or license for any of the following:

15 (a) Unprofessional conduct, . . .

16 7. Code section 2762 states, in pertinent part:

17 In addition to other acts constituting unprofessional conduct within the meaning
18 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person
licensed under this chapter to do any of the following:

19 (a) Obtain or possess in violation of law, or prescribe, or except as directed by
20 a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or
furnish or administer to another, any controlled substance as defined in Division 10
21 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug
or dangerous device as defined in Section 4022.

22 (b) Use any controlled substance as defined in Division 10 (commencing with
23 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous
device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner
24 dangerous or injurious to himself or herself, any other person, or the public or the extent
that such use impairs his or her ability to conduct with safety to the public the practice
25 authorized by his or her license.

26 (e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible
entries in any hospital, patient, or other record pertaining to the substances described in
27 subdivision (a) of this section.

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1 8. Code section 4060 states, in pertinent part:

2 No person shall possess any controlled substance, except that furnished to a
3 person upon the prescription of a physician, dentist, podiatrist, optometrist, or
4 veterinarian, or furnished pursuant to a drug order issued by a certified
 nurse-midwife . . . , a nurse practitioner . . . , or a physician assistant, or a pharmacist. . . .

5 9. Health and Safety Code Section 11173, subdivision (a), provides that no
6 person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure
7 the administration of or prescription for controlled substances, (1) by fraud, deceit,
8 misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

9 **COST RECOVERY**

10 10. Code section 125.3 provides, in pertinent part, that the Board may request
11 the administrative law judge to direct a licensee found to have committed a violation or
12 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
13 and enforcement of the case.

14 11. **DRUGS**

15 "Amphetamine," is a Schedule II controlled substance pursuant to Health and
16 Safety Code section 11055, subdivision (d)(2).

17 "Marijuana," also known as "Cannabis," is a Schedule I controlled substance
18 as designated by Health and Safety Code section 11054, subdivision (d)(13).

19 "Demerol," a brand name for "Meperidine," is a Schedule II controlled
20 substance as designated by Health and Safety Code section 11055, subdivision (c)(17).

21 "Morphine Sulfate (MS)," a Schedule II controlled substance as designed by
22 Health and Safety Code section 11055, subdivision (b)(1)(M).

23 "Phenergan," a brand name for "Promethazine," is an antihistamine, a
24 dangerous drug, within the meaning of Code section 4022, in that it requires a prescription under
25 federal law.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Obtained, Possessed, and Self-Administered Controlled Substances**
3 **and/or Dangerous Drugs)**

4 12. Respondent is subject to disciplinary action under Code section 2761,
5 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
6 subdivision (a), in that on August 21, 2003, while employed and on duty as a registered nurse at
7 Hanford Community Medical Center in Hanford, California, Respondent committed the
8 following acts:

9 a. Respondent obtained unknown quantities of Meperidine and Morphine
10 Sulfate, both controlled substances, and Promethazine, a dangerous drug, by fraud, deceit,
11 misrepresentation, or subterfuge by obtaining the drugs from hospital supplies, in violation of
12 Health and Safety Code section 11173, subdivision (a).

13 b. Respondent possessed unknown quantities of Meperidine and Morphine
14 Sulfate, both controlled substances, without a valid prescription, a violation of Code section
15 4060.

16 c. Respondent self-administered unknown quantities of Marijuana, Opiates,
17 and Amphetamines, controlled substances.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Use Controlled Substances and/or a Dangerous Drug**
20 **in a Manner Dangerous or Injurious)**

21 13. Respondent is subject to disciplinary action under Code section 2761,
22 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
23 subdivision (b), in that Respondent used controlled substances and/or a dangerous drug to an
24 extent or in a manner dangerous or injurious to himself, any other person, or to the public, or the
25 extent that such use impairs his ability to conduct with safety to the public the practice authorized
26 by his license, as set forth in paragraph 12, subsection (c), above.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Incorrect and/or Inconsistent Entries in Hospital and/or Patient Records)**

3 14. Respondent is subject to disciplinary action under Code section 2761,
4 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,
5 subdivision (e), in that on August 21, 2003, while employed and on duty as a registered nurse at
6 Hanford Community Medical Center in Hanford, California, Respondent made grossly incorrect
7 or grossly inconsistent entries in hospital and/or patient records in the following respects:

8 **Patient #105-890 - ID #53518965**

9 a. On August 21, 2003, at 1301 hours, three hours after the patient was
10 discharged, Respondent withdrew one 50 mg/1 ml. syringe and one 75 mg/1 ml. syringe of
11 Meperidine and one 25 mg/1 ml. ampule of Promethazine from the Omnicell machine when
12 there were no physician's orders for the drugs for this patient. Respondent failed to chart the
13 administration or wastage or otherwise account for the disposition of the 125 mgs. of Meperidine
14 and 25 mgs. of Promethazine in any patient or hospital record.

15 **Patient #239-601 - ID #53519104**

16 b. On August 21, 2003, at 1413 hours, Respondent withdrew one
17 10 mg/1 ml. syringe of Morphine Sulfate from the Omnicell machine when there was no
18 physician's order for the drug for this patient. Respondent failed to chart the administration or
19 wastage or otherwise account for the disposition of the 10 mgs. of Morphine Sulfate in any
20 patient or hospital record.

21 c. On August 21, 2003, at 1413 hours, Respondent withdrew one
22 25 mg/1 ml. ampule of Promethazine from the Omnicell machine when there was no physician's
23 order for the drug for this patient. Respondent charted the administration of 12.5 mgs. of
24 Promethazine in the Emergency Department Record for this patient. However, Respondent
25 failed to chart the wastage or otherwise account for the disposition of the remaining 12.5 mg. of
26 Promethazine in any patient or hospital record.

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Patient #222-337 - ID #5351899

d. On August 21, 2003, at 1002 hours, Respondent withdrew one 75 mg/1 ml. syringe of Meperidine and one 50 mg/1 ml. ampule of Promethazine from the Omnicell machine for this patient. Respondent failed to chart the administration or wastage or otherwise account for the disposition of the 75 mg. syringe of Meperidine and the 50 mgs. of Promethazine in any patient or hospital record.

e. On August 21, 2003, at 1100 hours, Respondent withdrew one 100 mg/1 ml. syringe of Meperidine and one 25 mg/1 ml. ampule of Promethazine from the Omnicell machine for this patient. Respondent failed to chart the administration or wastage or otherwise account for the disposition of the 100 mgs. of Meperidine and the 25 mgs. of Promethazine in any patient or hospital record.

Patient #064-959 - ID #53518981

f. On August 21, 2003, at 1027 hours, Respondent withdrew one 75 mg/1 ml. syringe of Meperidine and withdrew one 25 mg/1 ml. ampule of Promethazine from the Omnicell machine when there was no physician's order for Promethazine for this patient. Respondent failed to chart the administration or wastage or otherwise account for the disposition of the 75 mgs. of Meperidine and the 25 mgs. of Promethazine in any patient or hospital record.

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1 **PRAYER**

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 4 1. Revoking or suspending Registered Nurse License Number 476167 issued
5 to STEVEN LESLIE KING;
6 2. Ordering STEVEN LESLIE KING to pay the Board the reasonable costs
7 of the investigation and enforcement of this case pursuant to Code section 125.3; and,
8 3. Taking such other and further action as deemed necessary and proper.
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10 DATED: 11/30/07
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12 
13 RUTH ANN TERRY, M.P.H., R.N.
14 Executive Officer
15 Board of Registered Nursing
16 Department of Consumer Affairs
17 State of California
18 Complainant
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